IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.187 OF 2007

IN

CRIMINAL APPEAL NO.197 OF 2002

Baban @ Yeshwant Vithal Katalkar .. Appellant.

Versus

The State of Maharashtra .. Respondent.

None for the appellant.

Mr.A.P.Adsule, A.P.P. for the respondent.

CORAM : J.H.BHATIA, J.

DATE : 30TH MARCH, 2007.

P.C.:

1. The appellant was convicted for the offence of rape punishable u/s.376 (2) (f) of I.P.C. on a girl aged 9 years and was sentenced to undergo R.I. for 10 years and to pay fine of Rs.1,000/- and in default to suffer six months R.I.

2. Earlier his application for bail was rejected on 8th March, 2002 with a direction that if the appeal is not

disposed of till 15th March, 2005, the appellant would be at liberty to apply for bail again. Accordingly, the appellant applied again for bail and by the order dated 29th November, 2005, he was directed to be released on bail on furnishing personal bond of Rs.20,000/- with one or two sureties in like amount. But he could not furnish the sureties and, therefore, he is still in jail.

3. It appears that because the bail was granted by this Court, the matter was not listed for final hearing. By this application, the appellant contends that even if he is in jail for last more than six years, he is not released nor appeal is disposed of. Therefore, bail amount may be reduced. Taking into consideration the gravity of the offence, the bail amount already fixed appears to be quite reasonable and needs no change. In fact, the appeal itself should be taken up for final hearing, taking into consideration that the appellant is in jail for a long period, R & P with paper book is already received.

4. Therefore, the application is rejected. However, Criminal Appeal No.197 of 2002 be listed for final hearing immediately.

(J.H.BHATIA, J.)